

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of Avi J. Ashkenazi et al. Serial No.: 09/020,746 Filed: February 9, 1998 For: APO-2 RECEPTOR | Group Art Unit: 1646 Examiner: Kaufman, C. CERTIFICATE OF HAND DELIVERY I hereby certify that this correspondence is being hand delivered in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on <u>2/24/03</u> , 2003 <u>R. H. Mitchell</u> |
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03 FEB 24 PM 1:13TRANSMITTAL LETTERAssistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Transmitted herewith are the following documents:

1. Supplemental Information Disclosure Statement
2. Form PTO-1449 with 33 References
3. Return Postcard

In the event any additional fees are due in connection with the filing of these documents, the Commissioner is authorized to charge such fees to our Deposit Account No. 07-0630.

Respectfully submitted,

GENENTECH, INC.

Date: February 21, 2003

By:

Diane L. Marschang

Diane L. Marschang

Reg. No. 35,600

Telephone No. (650) 225-5416



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| In re Application of Avi J. Ashkenazi et al. Serial No.: 09/020,746 | Group Art Unit: 1646 Examiner: Kaufman, C. |
| Filed: February 9, 1998 For: APO-2 RECEPTOR | <div style="text-align: center;"> CERTIFICATE OF HAND DELIVERY <small>I hereby certify that this correspondence is being hand delivered in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on</small> <div style="font-size: 1.5em; margin-top: 10px;">2/24/03</div>, 2003 <div style="font-family: cursive; font-size: 1.2em; margin-top: 5px;">R. H. Mitchell</div> </div> |

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents
 Washington, D.C. 20231

Sir:

Applicants submit herewith patents, publications or other information (attached hereto and listed on the attached revised Form PTO-1449) of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

This Information Disclosure Statement is filed in accordance with the provisions of:

- ☐ **37 CFR §1.97(b)**
- within three months of the filing date of the application other than a continued prosecution application under 37 CFR §1.53(d); **or**
 - within three months of the date of entry of the national stage of a PCT application as set forth in 37 CFR §1.491, **or**
 - before the mailing of the first Office action on the merits; **or**
 - before the mailing of the first Office action after the filing of a request for a continued examination under 37 CFR §1.114.
- ☐ **37 CFR §1.97(c)**
- by the applicant after the period specified in 37 CFR §1.97(b), but prior to the mailing date of any of a final action under 37 CFR §1.113, or a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application, and is accompanied by either the fee set forth in 37 CFR §1.17(p) **or** a statement as specified in 37 CFR §1.97(e), as checked below.
- ☒ **37 CFR §1.97(d)**
- after the period specified in CFR §1.97(c), and is accompanied by the fee set forth in 37

CFR §1.17(p) and a statement as specified in 37 CFR §1.97(e), as checked below.

[If either of boxes 37 CFR §1.97(c) or 37 CFR §1.97(d) is checked above, the following statement under 37 CFR §1.97(e) may need to be completed.]

- ☐ 37 CFR §1.97(e) Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ 37 CFR §1.704(d) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and the communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of this information disclosure statement. Therefore, in accordance with the provisions of 37 CFR §1.704(d), the filing of this information disclosure statement will not be considered a failure to engage in reasonable efforts to conclude prosecution under 37 CFR §1.704.
- ☒ The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement under 37 CFR §1.17(p). Any deficiency or overpayment should be charged or credited to this deposit account.

A list of the patent(s) or publication(s) is set forth on the attached revised Form PTO-1449 (Modified).

A copy of the items on PTO-1449 is supplied herewith.

A concise explanation of relevance of the items listed on PTO-1449 is:

- ☒ not given
- ☐ given for each listed item
- ☐ given for only non-English language listed item(s) [Required]
- ☐ in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

In accordance with 37 CFR §1.97(g), the filing of this information disclosure statement shall not be construed as a representation that a search has been made.

In accordance with 37 CFR §1.97(h), the filing of this information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b).

Serial No.: 09/020,746
Filed: February 9, 1998

Page 3

In the event that the Office determines a fee to be due where none is specifically authorized in this paper, the U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement under 37 CFR §1.17(p).

Respectfully submitted,

GENENTECH, INC.

Date: February 21, 2003

By: Diane L. Marschang
Diane L. Marschang
Reg. No. 35,600
Telephone No. (650) 225-5416



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PATENT TRADEMARK OFFICE
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FORM PTO-1449

U.S. Dept. of Commerce
Patent and Trademark OfficeAtty Docket No.
P1101P1Serial No.
09/020,746

LIST OF DISCLOSURES CITED BY APPLICANT

(Use several sheets if necessary)

Applicant
Ashkenazi et al.Filing Date
09 Feb 1998Group
1647

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| | 4 | 6,417,328 | 09.07.02 | Alnemri | | | |

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|-----------------|----|-----------------|----------|---------|-------|----------|-----------------------|
| | 5 | WO 02/053727 | 11.07.02 | PCT | | | |
| | 6 | WO 92/01047 | 23.01.92 | PCT | | | |
| | 7 | WO 92/20791 | 26.11.92 | PCT | | | |
| | 8 | WO 93/00109 | 07.01.93 | PCT | | | |
| | 9 | WO 93/06213 | 01.04.93 | PCT | | | |
| | 10 | WO 93/11236 | 10.06.93 | PCT | | | |
| | 11 | WO 93/19172 | 30.09.93 | PCT | | | |
| | 12 | WO 95/01438 | 12.01.95 | PCT | | | |
| | 13 | WO 95/15388 | 08.06.95 | PCT | | | |

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| | 14 | Carter et al., "Antibody Engineering Using Very Long Template-Assembled Oligonucleotides" <u>Methods: A Companion to Methods in Enzymology</u> 3(3):183-192 (Dec 1991) |
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| | 21 | Hoogenboom, "Designing and optimizing library selection strategies for generating high-affinity antibodies" <u>Trends in Biotechnology</u> 15(2):62-70 (Feb 1997) |
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| | 23 | Kabat et al. <u>Sequences of Proteins of Immunological Interest</u> (NIH Publn. No. 91-3242), 5th edition |

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Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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| FORM PTO-1449 | | U.S. Dept. of Commerce Patent and Trademark Office | | Atty Docket No. P1101P1 | Serial No. 09/020,746 |
| LIST OF DISCLOSURES CITED BY APPLICANT (Use several sheets if necessary) | | | | Applicant Ashkenazi et al. | |
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| | 24 | Lasky et al., "DNA sequence analysis of the type-common glycoprotein-D genes of herpes simplex virus types 1 and 2" <u>DNA</u> 3(1):23-29 (1984) | | | |
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